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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,587	10/22/2003	Haggai Shoshany	1354SHO-US	3868

32964 7590 10/27/2005

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/689,587

Applicant(s)

SHOSHANY ET AL.

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wandel (1,519,281).

Wandel '281 teaches a process for making a corrugated board which included the use of an asphalt adhesive binder therein in order to render the corrugated board waterproof. The material of the corrugated board included paperboard. Certainly asphalt is a bitumen material (see page 3, lines 20-25 of the disclosure). The reference more specifically taught that that the web 18 of the facing layer was coated with asphalt from a tank 22 with roller 21 and secured to corrugated web 12 with a roller 19. An additional web 24 coated with asphalt with roller 26 can be applied to the other side of the corrugated web.

3. Claims 1-4, 6, 11-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller.

Keller taught that it was known to form a tubular article via a winding operation wherein the operation was either convolutedly winding or spirally winding. The reference taught that the material being wound included a felt which was formed from bituminous pulps which included both bituminous materials and waste papers (lignocellulosic materials). The reference taught that one skilled in the art would have applied asphalt

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as an adhesive material to join the layers of spirally wound or convolutedly wound materials together. The applicant is more specifically referred to page 1, lines 48-66 (where the use of papers in the felt are described, one skilled in the art readily understanding that waste papers are lignocellulosic materials) and page 2, lines 26-67 (for the manufacture of the tubes with the bituminous felt where the binder used to join the felts together was an asphalt).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 10-14, 16 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Wandel '281 in view of the applicant's admitted prior art and Keller.

Wandel '281 is discussed at length above. The reference taught that one skilled in the art would have employed a bituminous adhesive to join paper layers together in the manufacture of a corrugated cardboard wherein the asphalt adhesive provided one with a waterproof finished assembly. The reference failed to teach that one skilled in the art would have utilized the same in the manufacture of a tubular article.

The admitted prior art as described at page 1, lines 8-24 in the background of the invention stated that it was known at the time the invention was made to form a corrugated board from sheet material (like layers of paper or chipboard) wherein the corrugated sheet is generally bonded to the other sheets with the same type of

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adhesives that were used to make convolute wound or spiral wound tubes. The admitted prior art additionally admitted that it was known to form spiral or convolute wound tubes from paper or chipboard which was wound to form the tubular article. As it was known to utilize the same adhesive materials to make both corrugated board as well as spirally wound or convolutedly wound tubes, it would have been obvious to one of ordinary skill in the art desiring to produce a waterproof tubular article to incorporate the adhesive of Wandel '281 in the manufacture of a wound tubular article (as such were art recognized alternative adhesives for the manufacture of either a corrugated board or a tube) as suggested by the admitted prior art. To further evidence that those skilled in the art would have utilized the adhesives of Wandel '281 to make a tubular article, the reference to Keller is cited. Keller suggested that in order to make the tubular articles waterproof an asphalt type adhesive would have been utilized in the manufacture of the tubular article, see page 1, lines 21-29. It should additionally be noted that Keller suggested that corrugated layers may be used in the manufacture of the tubular article, see page 2, lines 73-77. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the asphalt bituminous adhesives of Wandel '281 in the manufacture of a tubular article which was wound from paper layers as it was known as suggested by applicant's admitted prior art to utilize the same adhesives for both corrugated board as well as formation of spirally wound or convolutedly wound tubes as further evidenced by Keller.

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6. Claims 5, 7-9, 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 5 further taken with Bosniack.

The references as set forth above in paragraph 5 suggested that those skilled in the art would have incorporated an asphalt type of binder for joining paper layers together in the manufacture of either a corrugated board, a spirally wound tube or a convolutedly wound tube. The references failed to teach that the asphalt type binder included a modifier (like a synthetic resin) and a filler material therein. However, it was known at the time the invention was made for an asphalt based adhesive composition to not only include a modifier such as a synthetic resin (like polypropylene) as well as a filler therein (which provided the desired finished properties for the binder) as evidenced by Bosniack. More specifically, applicant is referred to column 1, line 65-column 2, line 47 for the description of the blend of the asphalt with the synthetic polymer (polypropylene) and the use of the same as an adhesive binder for paper. Additionally the reference taught that suitable fillers were incorporated in the adhesive material which included limestone as well as processing oils, see column 4, lines 55-64. the reference additionally suggested that the adhesive was useful for joining paper materials together as well as in the manufacture of laminates like cardboard, see column 5, lines 29-35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the adhesive of Bosniack in the process of making corrugated cardboard and paper tubes (via spiral winding or convolute winding) as such an adhesive was suggested by the references as set forth above in paragraph

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5 and the adhesives of Bosniack have desirable properties (see column 5, line 64-column 6, line 10, for example).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buck et al suggested an asphalt adhesive composition with a filler and modifier therein. The references to Wandel '188 and '157 teach the use of asphalt type adhesives to bond a corrugated sheet to a facing sheet in the manufacture of corrugated cardboard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut

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Primary Examiner
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JHA
October 25, 2005